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	Application No.	Applicant(s)
	10/664,248	RACHLIN, DANIEL J.
Notice of Allowability	Examiner	Art Unit
	BJ Forman	1634
The MAILING DATE of this communication ap All claims being allowable, PROSECUTION ON THE MERITS herewith (or previously mailed), a Notice of Allowance (PTOL-8 NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT of the Office or upon petition by the applicant. See 37 CFR 1.3	IS (OR REMAINS) CLOSED in 35) or other appropriate common RIGHTS. This application is	n this application. If not included unication will be mailed in due course. THIS
1. 🗵 This communication is responsive to Amendments of 9	Oct. 2006 and interview of 18	Dec. 2006.
2. ☑ The allowed claim(s) is/are <u>10,11 and 13-26</u> .		
3. ☐ Acknowledgment is made of a claim for foreign priority a) ☐ All b) ☐ Some* c) ☐ None of the:		or (f).
1. Certified copies of the priority documents ha		
2. Certified copies of the priority documents ha	• •	
3. Copies of the certified copies of the priority	documents have been receive	d in this national stage application from the
International Bureau (PCT Rule 17.2(a)).		
* Certified copies not received:		
Applicant has THREE MONTHS FROM THE "MAILING DATI noted below. Failure to timely comply will result in ABANDON THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.		e a reply complying with the requirements
 A SUBSTITUTE OATH OR DECLARATION must be sub INFORMAL PATENT APPLICATION (PTO-152) which g 	omitted. Note the attached EX lives reason(s) why the oath o	AMINER'S AMENDMENT or NOTICE OF r declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") m	nust be submitted.	
(a) ☐ including changes required by the Notice of Draftspo		w (PTO-948) attached
1) hereto or 2) to Paper No./Mail Date		· ·
(b) ☐ including changes required by the attached Examine Paper No./Mail Date	er's Amendment / Comment o	r in the Office action of
Identifying indicia such as the application number (see 37 CFF each sheet. Replacement sheet(s) should be labeled as such in		
 DEPOSIT OF and/or INFORMATION about the department of the department of	POSIT OF BIOLOGICAL MATE OF THE DEPOSIT OF BIO	ERIAL must be submitted. Note the OLOGICAL MATERIAL.
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Attachment(s) 1. ☐ Notice of References Cited (PTO-892)	5 ☐ Notice of In	formal Patent Application
 Notice of Draftperson's Patent Drawing Review (PTO-948) 		ummary (PTO-413),
<u> </u>	Paper No.	/Mail Date
 Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date 	7. 🛛 Examiner's	Amendment/Comment
Examiner's Comment Regarding Requirement for Deposi of Biological Material	t 8. ⊠ Examiner's	Statement of Reasons for Allowance
Biological material	9. 🗌 Other	- /
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		BJ f orman Primary Examiner Art Unit: 1634

NOTICE OF ALLOWABILITY

STATUS OF THE CLAIMS

This action is in response to papers filed 9 October 2006 in which claims 10-11, 13-15 were amended, claims 1-9 and 12 were canceled and claims 19-26 were added. All of the amendments have been thoroughly reviewed and entered. This action is further in response to amendments discussed and agreed upon during an interview between the examiner and Mr. Schumann on 18 December 2006. Examiner's Amendments are detailed below.

The previous rejections in the Office Action dated 8 June 2006 are withdrawn in view of the amendments. The amendments overcome the prior art and place the pending claims in condition for allowance.

Restriction Withdrawn

Claims 10-11, 13-15 and 19-26 directed to an allowable product. Pursuant to the procedures set forth in MPEP § 821.04(B), claims 16-18, directed to the process of making or using an allowable product, previously withdrawn from consideration as a result of a restriction requirement, are hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Because all claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, the restriction requirement as set forth in the Office action mailed on 3 March 2006 is hereby withdrawn. In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are

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no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with James Schumann on 18 December 2006.

The application has been amended as follows:

Claim 13, line 2, replace "means" with --- a laser scanner --- .

Claim 14, lines 1-2 replace "means for imaging" with --- laser scanner --- .

Claim 15, line 2, replace "means for imaging" with --- laser scanner --- .

Claim 25, line 2, replace "means" with --- a laser scanner --- .

Claim 26, line 1, replace "means for imaging" with --- laser scanner --- .

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

The prior art does not teach or reasonably suggest a biochip system having a mirror surface, dielectric layers and binding domains arranged so as to produce destructive interference as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the

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issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Claims 10-11 and 13-26 are in condition for allowance.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BJ Forman whose telephone number is (571) 272-0741. The examiner can normally be reached on 6:00 TO 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla can be reached on (571) 272-0735. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199.

BJ Forman, Ph.D. Primary Examiner Art Unit: 1634

December 18, 2006